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OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK NY 10036-8403

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**JAN 30 2003**

**OFFICE OF PETITIONS**

In re Application of :  
Kazuhito Horiuchi :  
Application No. 10/045,530 : **ON PETITION**  
Filed: 23 October, 2001 :  
Attorney's Docket No. P/16-305 :

This is a decision on the petition filed on 23 December, 2002, requesting that the above-identified application be accorded a filing date of 23 October, 2001, with Page 2 of the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 23 October, 2001. However, on 21 November, 2002, Initial Patent Examination Division mailed a "Notice" stating that the application had been accorded a filing date but that Page 2 of the specification (description and claims) appeared to have been omitted.

In response, on 23 December, 2002, Page 2 of the specification and the present petition were filed. Petitioner argues that Page 2 was filed with the other application papers on 23 October, 2001, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 10/23/01 with the above-identified application number, and acknowledges receipt of, *inter alia*, 77 pages of specification. Petitioner requests that the application, including Page 2 of the specification, be accorded a filing date of 23 October, 2001.

A review of the record reveals that no Page 2 of the specification has been located among the application papers deposited on 23 October, 2001. However, the evidence is

convincing that the application papers deposited on 23 October, 2001, included Page 2 of the specification, which was subsequently misplaced in the Office. Therefore, the application, including Page 2 of the specification, is entitled to a filing date of 23 October, 2001.

The "Notice" mailed on 21 November, 2002, is vacated.

In view of the above, the petition is granted. No petition fee has been paid and none is due.

The application will be processed and examined using the copy of Page 2 supplied on 23 December, 2002.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 23 October, 2001, using the application papers filed on 23 October, 2001, and the copy of Page 2 supplied on 23 December, 2002.

Telephone inquiries should be directed to the undersigned at 703 308-6918.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions